

Office of the Attorney General – Patent Troll Unit

Instructions for Patent Troll Complaint

Important Information – Please read first

- The Office of the Attorney General (“OAG”) and the Patent Troll Unit protect Virginia businesses and citizens from patent trolls by investigating and prosecuting violations of Virginia’s recently-enacted statute prohibiting bad faith assertions of patent infringement. For the purposes of this statute, an assertion of patent infringement is a letter, email or other communication alleging the recipient (or their customers) have engaged in patent infringement or should obtain a license in order to avoid litigation, a threat of patent infringement litigation against the recipient, or any other claim or allegation made outside of litigation that a recipient has engaged in patent infringement.
- The statute allows the OAG to investigate potential violations, to enter into agreements requiring patent trolls to end their abusive practices, and to bring suit against patent trolls to obtain a court order preventing future abusive conduct and to collect civil penalties.
- The OAG may not handle complaints where the patent troll made a claim or allegation of patent infringement in litigation against the recipient.
- The OAG may not bring private causes of action related to patent law on behalf of individual businesses or citizens. For example, if you have received a good faith assertion of patent infringement, the OAG cannot bring a declaratory judgment action on your behalf seeking a declaration that the patent is invalid or that your product does not infringe the patent.
- For more information about patent trolls and bad faith assertions of patent infringement, please visit the Patent Troll Unit’s website at <http://ag.virginia.gov/index.php/patents/>. If you have questions about patent trolling, please feel free to email us at patents@oag.state.va.us or call us at (804) 786-2071.
- If you may have received a bad faith assertion of patent infringement, you may file a complaint electronically by visiting <http://ag.virginia.gov/index.php/patents/report-a-patent-troll> or you may complete this Patent Troll Complaint and return it by fax to (804) 692-1647 or my mail to the following address:

**Patent Troll Unit
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219**

- When reporting a potential violation, please complete complaint forms as accurately as possible and provide **COPIES** of any supporting documents (*e.g.*, demand letters, related licensing agreements). Please **DO NOT SEND ORIGINALS**. If you need to submit supporting documents at a later time, please reference your Report Number, which will be included in the email or letter acknowledging receipt of your complaint.

What happens to your complaint after submission?

- The Patent Troll Unit will send you a confirmation email or letter giving you a Report Number that you can use as a reference in future communications with us. The Patent Troll Unit will assess whether the conduct appears to violate the statute and is otherwise suitable for an enforcement action. The Patent Troll Unit will inform you of its decision and planned course of action.

Disclaimers

- By submitting this Patent Troll Complaint, you authorize the OAG and the Patent Troll Unit to evaluate your complaint on the basis of the information provided, to contact you, and to take whatever lawful actions deemed appropriate to resolve your complaint.
- The OAG shall keep all closed complaints, including evidence, testimony, documents, and other results of investigations, on file until such materials are destroyed in accordance with established procedures for destroying public records. Closed complaints are subject to public disclosure under the provisions of the Virginia Freedom of Information Act (Va. Code §§ 2.2-3700 to -3714). For this reason, we ask that you do not provide your Social Security Number or any personal financial information not related to your complaint.
- By submitting this Patent Troll Complaint, you acknowledge and understand that the Office of the Attorney General is not authorized to offer legal advice, provide legal representation, or pursue litigation on behalf of individual businesses or citizens. Submitting this complaint does not create an attorney-client relationship between you and the Office of the Attorney General.

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Patent Troll Complaint

SECTION 1 - Your Contact Information

Last Name		First Name	M.I.
Full name of company, if demand letter(s) addressed to your company			
Mailing address			
City/County		State	Zip code
Phone number, including area code ()	Email address		Preferred contact method <input type="checkbox"/> Phone <input type="checkbox"/> Email

Section 2 - Alleged Patent Troll's Contact Information

Full name of company			
Mailing address			
City/County		State	Zip code
Phone number, including area code ()	Internet address (URL)		

Section 3 - Complaint

** As used in this Section, a "demand letter" is any letter, email, or other communication asserting, alleging, or claiming that you have engaged in patent infringement or that you should obtain a license to a patent to avoid litigation.	
Do you reside in, or does your business have its principal place of business in, the Commonwealth?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the alleged patent troll sued you for patent infringement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
How many demand letters have you received from the alleged patent troll?	
Were the demand letters sent through an attorney?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, attorney's name: _____ Phone number: ()	
Do the demand letters contain the numbers of the patents that you allegedly infringe?	<input type="checkbox"/> Yes <input type="checkbox"/> No
List patents asserted: 1) _____ 2) _____ 3) _____ 4) _____	
Do the demand letters provide the patent owner's name and address?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do the demand letters identify which of your products/services allegedly infringe the patents asserted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do the demand letters offer a license to the patents asserted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, list the license price: _____	
Do you have any reason to believe that the alleged patent troll is acting in bad faith?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do the demand letters appear to be deceptive or contain any misrepresentations?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section 4 - Subsequent Actions

Have you contacted the alleged patent troll since receiving the demand letters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name of contact: _____ Their phone number: ()	
Do you have an attorney for this matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, attorney's name: _____ Their phone number: ()	
List any other organizations you have contacted regarding this matter:	

